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Katsuya Nakagawa

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EXAMINER

PEACHES, RANDY

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 09/987,143 | Applicant(s) NAKAGAWA, KATSUYA | |
| | Examiner Randy Peaches | Art Unit 2617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 37 is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-9, 13-15, 19-21, 25-27 and 31-33 is/are rejected.
- 7) ☒ Claim(s) 4-6, 10-12, 16-18, 22-24, 28-30, 34-36 and 38 -40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>11/3-23-2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/21/2006 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. ***Claims 1-3, 7-9, 13-15, 19-21, 25-27 and 31-33*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Drury et al. (U.S. Patent Number 6,707,421 B1) in view of Naito et al. (U.S. Patent Number 6,925,603 B1).

Regarding ***claims 1, 7, 13, 19, 25 and 31*** Drury et al. discloses an in-vehicle system (IVS, 105), which reads on claimed "mobile terminal," See column 4 lines 52-60 and FIGURES 2 and 3,

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- said IVS (105) including:
 - a communication system (250), which reads on claimed "communication circuit," communicating with said server system (125). See column 11 lines 50-60,
 - a GPS receiver (252), which reads on claimed "detection circuit," detecting a position of said IVS (105). See column 11 lines 35-49,
 - an I/O device (240), which reads on claimed "output circuit," outputting information. See column 10 lines 1-6, column 11 lines 1-34, and
 - an onboard computer (210), which reads on claimed "control circuit," connected to said communication system (250), said GPS receiver (252) and said I/O device (240), and controlling said IVS (105). See column 10 lines 10-22,
 - said onboard computer (210) including a processor (212), which reads on claimed "circuit controlling," said GPS receiver (252) and said communication system (250) such that positional information representing a position of said IVS (105) is transmitted to said server system (125).
See FIGURE 2,

However, Drury et al. fails to clearly disclose wherein an information providing device capable of displaying a schedule to the user of the said IVR.

Naito et al. discloses a schedule presentation apparatus, which reads on claimed "information providing device,"(see column 2 lines 35-40) including:

- a network access unit (18), which reads on claimed "communication circuit," communicating with a user terminal (1), which reads on claimed "mobile terminal." See FIGURE 1,
- a center (60) or storage media (50)(see column 6 lines 38-49), which reads on claimed "first storage circuit," storing schedule information, representing a schedule to be executed by a user of said user terminal (1); and
- a schedule conversion unit (12), which reads on claimed "control circuit," connected to said network access unit (18) and said center (60), and controlling said user terminal (1). See column 6 lines 50-58,
- said schedule conversion unit (12) of said schedule presentation apparatus including a circuit controlling the said network access unit (18) such that information related to an activity for executing said schedule is transmitted to said user terminal (1), based on said positional information received from user terminal (1) and said schedule stored in said center (60). See column 6 lines 50-58;
- said schedule conversion unit (12) of said user terminal (1) further including a circuit controlling the said output such that the information related to the activity for executing said schedule received from said server system is output. See column 6 line 50-58.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to modify Drury et al. (U.S. Patent Number 6,707,421 B1) to

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include Naito et al. (U.S. Patent Number 6,925,603 B1) in order to provide a device capable of displaying a user's schedule based on the current position of that user at a given time.

Regarding **claims 2, 8, 14, 20, 26 and 32**, as the combination of Drury et al and Naito et al are made, the combination according to **claims 1, 7, 13, 19, 25 and 31**, Naito et al. further discloses:

- wherein the said schedule information includes location information representing an execution location where said schedule is executed. See Naito et al. column 20 lines 4-9 and
- said center (60) conducting a search for a route of traveling from a position of said user terminal (1) to said execution location, based on said positional information and said location information. See column 20 lines 3-10 lines 27-44 and
- a schedule conversion unit (12) such that information representing said route of traveling is transmitted to said user terminal (1) See column 6 line 50-58.

Regarding **claims 3, 9, 15, 21, 27 and 33** according to **claims 1, 7, 13, 19, 25 and 31**

Drury et al. continues to disclose wherein,

- a circuit calculating time required for said traveling, based on said execution time and said route. See column 7 lines 52-62, and

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- a said server computer (310) controlling said telephone interface (320) such that information representing said route of traveling and information representing said time required for traveling are transmitted to said IVS (105). See column 5 lines 64-67 and column 6 lines 1-7.

However, Drury et al. fails to clearly disclose wherein an information providing device capable of displaying a schedule to the user of the said IVR.

Naito et al. discloses a schedule presentation apparatus, which reads on claimed "information providing device,"(see column 2 lines 35-40) including:

- wherein the said schedule information includes location information representing an execution location where said schedule is executed. See Naito et al. column 20 lines 4-9 and
- said center (60) conducting a search for a route of traveling from a position of said user terminal (1) to said execution location, based on said positional information and said location information. See column 20 lines 3-10 lines 27-44 and

Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to modify Drury et al. (U.S. Patent Number 6,707,421 B1) to include Naito et al. (U.S. Patent Number 6,925,603 B1) in order to provide a device capable of displaying a user's schedule based on the current position of that user at a given time.

Allowable Subject Matter

Claims 4-6, 10-12, 16-18, 22-24, 28-30 and 34-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 4-6, 10, 16-18, 22-24, 28-30 and 34-40, the claimed language, “conducting a search for an event that can be executed by a user of the said mobile terminal, from the event information stored in said second storage circuit , based on:

- 1.) calculation of “Spare” time***
- 2.) positional information***
- 3.) location of the event***
- 4.) time required for execution***
- 5.) “Free” time-claim 37***

a circuit controlling the said communication circuit that event information representing the event retrieved as a result of the search is transmitted to the said mobile terminal”

and in addition, “...a degree of matching between said preference information and said detail of the event.”(claim 5)

The Examiner, at the present stage of prosecution, states that these elements overcome the current cited prior art.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Randy Peaches
October 1, 2006


CHARLES APPIAH
PRIMARY EXAMINER